



GARY TSIRELMAN P.C.

ATTORNEYS & COUNSELORS AT LAW

129 LIVINGSTON STREET  
SECOND & THIRD FLOORS  
BROOKLYN, NY 11201  
T: (718) 438-1200 • F: (718) 438-8883  
nbowers@gtmdjd.com

January 20, 2021

The Honorable Roslynn R. Mauskopf  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re: Capital 7 Funding v. Wingfield Capital Corp., et al., Case # 1:17-cv-2374-RRM-ST; Proposed briefing schedule for motion to vacate default and cross-motion for default judgment**

Dear Judge Mauskopf:

We write on behalf of Plaintiff Capital 7 Funding (“Capital 7”) and with consent of Defendants Burgis Sethna, Heath Wagenheim, and Wingfield Capital Corporation (“Wingfield Defendants”) to set forth a joint briefing schedule for the Wingfield Defendants’ motion to vacate their defaults filed at ECF No. 96 and for Plaintiff’s cross-motion for default judgment.

The parties have agreed to the following briefing schedule pursuant to Your Honor’s Individual Rule III.B.7.:

- a. Plaintiff’s opposition to Wingfield Defendants’ motion and cross-motion for default judgment is due served February 24, 2021;
- b. Wingfield Defendants’ reply and opposition to default judgment is due served March 24, 2021;
- c. Plaintiffs’ reply is due served April 9, 2021.

This briefing schedule will not affect any already-scheduled deadlines or dates in this matter.

Pursuant to Your Honor’s Individual Rule III.A.2., Plaintiff will file a request for a pre-motion conference regarding the cross-motion for default judgment and for a motion for default judgment against non-moving Defendants Damian Laltie and Joseph Rabito on or by February 2, 2021. Plaintiff is not able to file the request earlier because counsel for Plaintiff is currently on parental leave three or four days a week to care for a newborn and will be returning to work full-time in February. Plaintiff submits this briefing schedule now to ensure it is in place before the time to respond to Wingfield Defendants’ motion has run.

Thank you for your consideration of this letter.

Respectfully,

/s/  
Nicholas Bowers, Esq.  
*Counsel for Plaintiff*  
Gary Tsirelman P.C.  
129 Livingston, 2<sup>nd</sup> Floor  
Brooklyn NY 11201

cc: All counsel via ECF